



Ndiritu & 100 others v Ahmed & 3 others (Environment and Land Case Civil Suit 98 of 2010) [2024] KEELC 7239 (KLR) (29 October 2024) (Ruling)

Neutral citation: [2024] KEELC 7239 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND CASE CIVIL SUIT 98 OF 2010
LN MBUGUA, J
OCTOBER 29, 2024**

BETWEEN

SIMON KIHOSHIA NDIRITU & 100 OTHERS & 100 OTHERS & 100 OTHERS & 100 OTHERS & 100 OTHERS PLAINTIFF

AND

**ABDI SHEIKH AHMED 1ST DEFENDANT
TARAGURI LALITCHANDRA PANDIT 2ND DEFENDANT
DHRUV LALITCHANDRA PANDIT 3RD DEFENDANT
ABRAHAM MURIUKI MUNENE 4TH DEFENDANT**

RULING

1. Judgment was delivered in this matter on 8.12.2022 where plaintiff’s suit was dismissed with costs to the defendants. Thereafter a ruling on taxation on costs was delivered on 29.8.2024 wherein, the 1st defendants bill of costs was taxed at Ksh. 415,000, while that of the 2nd, 3rd and 4th defendants was taxed at Ksh. 404,360.
2. Before me is the 1st defendant’s Notice of Motion application dated 1.10.2024 seeking the following orders;
 - i. Judgment be entered for the 1st Defendant/Applicant against the Plaintiffs/Respondents for the sum of Kshs.415,000/= (Kenya Shillings Four Hundred and fifteen thousand only) as per the Certificate of Costs issued on 4th September 2024.
 - ii. The 1st Defendant/Applicant be awarded interest at the rate of 14% per annum from 27th May, 2023 (being the 30th day from the date on which the bill of costs was served upon the Plaintiffs/ Respondents).



- iii. Costs of this application be provided for.”
3. The applicant contends that *vide* the ruling of the Deputy Registrar dated 29.8.2024, their bill of costs was taxed at Ksh. 415,000 and that a certificate of costs was subsequently issued on 4.9.2024.
 4. The application was served but no response was filed. Should the court then proceed to allow the application? In the Supreme Court of Kenya case of *Tullow Oil PLC & 3 Others v PS Ministry of Energy & 15 Others* [2020] eKLR, the court had this to say in regard to an application which was not opposed;

“In other circumstances, depending on its nature, where an application is unopposed, and the court sees merit in it, then it should be granted without much ado”.
 5. There being a certificate of taxation issued by the Deputy Registrar, it follows then that judgment should be entered in terms set out in the aforementioned certificate.
 6. The applicant also seeks interests at the rate of 14% per annum from 27.5.2023. However in the judgment delivered on 8.12.2022, this court did not give an award on interests on any amount. The said judgment has not been reviewed, thus the orders sought in prayer 3 are dismissed.
 7. In the end, the application dated 1.10.2024 is allowed in terms of prayer 2 and 4 only.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29th DAY OF OCTOBER, 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Namuturu holding brief for Khoumba for Applicants

Court assistant: Vena

